

City Council  
Atlanta, Georgia

AN ORDINANCE  
BY: COUNCILMEMBER LEE MORRIS

01-○-1715

**AN ORDINANCE TO AMEND THE CODE OF  
ORDINANCES OF THE CITY OF ATLANTA, GEORGIA  
AS AMENDED TO ALLOW ALCOHOLIC BEVERAGES  
TO BE SERVED IN RESTAURANT OUTDOOR DINING  
AREAS AS PART OF A MIXED-USE DEVELOPMENT,  
AND FOR OTHER PURPOSES.**

**WHEREAS**, sidewalk cafes provide an interesting streetscape environment, encourage pedestrian activity, and increase pedestrian safety, and

**WHEREAS**, sidewalk cafes that serve alcoholic beverages must provide their outdoor customers with the same level of service as their indoor customers and the City's Alcohol Code currently prohibits the provision of alcoholic beverages to outdoor customers in a noncontiguous outdoor dining area, and

**WHEREAS**, the prohibition in the City's Alcohol Code discourages the inclusion of such sidewalk cafes in mixed-use developments and reduces the revitalization impact of mixed-use developments, and

**WHEREAS**, the City Council wishes to support the revitalization impact of mixed-use developments,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

Section 1. That Section 10-1 be amended to add the following terms and definitions:

*Outdoor dining area* means a space that is non-contiguous to a licensee's premises, in which the licensee serves food and beverages as part of the operation of the licensed premises as a sidewalk cafe. An outdoor dining area must be located directly in front of the licensed premises and may only be separated from the licensee's premises by a sidewalk. The width of an outdoor dining area shall not exceed the width of the licensed premises. An outdoor dining area shall contain no more than 50 percent of the premises' total seating capacity. The space within an outdoor dining area shall be enclosed within a clearly delineated area, which is surrounded by a continuous physical barrier no less than 36 inches and no more than 40 inches in height. An outdoor dining area shall have a single point of ingress and egress that is controlled by the licensee. Music and/or live entertainment shall not be provided within an outdoor dining area.

*Sidewalk café* means an establishment that serves food during all hours of operation, has a seating capacity of at least 30 people, operates an outdoor dining area, and is located within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units.

Section 2. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-8(a):

A licensee may prepare and serve alcoholic beverages to be consumed within an outdoor dining area as part of the operation of a sidewalk café. Open containers of alcoholic beverages shall only be transported into or out of outdoor dining areas by the licensees' working employees as part of their work duties.

Section 3. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-59(a):

A licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve malt beverages or wine to patrons seated in an outdoor dining area as part of the operation of a sidewalk café.

Section 4. That the Code of Ordinances of the City of Atlanta be amended by adding the following language to the end of section 10-59(b):

A licensee for the sale of distilled spirits by the drink shall have the right to allow the consumption of alcoholic beverages by patrons seated in an outdoor dining area as part of the operation of a sidewalk café. Bottles of beer and wine shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties.

Section 5. That the Code of Ordinances of the City of Atlanta be amended by deleting the language of Section 10-88(e) in its entirety and replacing it with the following language:

The provisions of this section shall not apply to licenses issued hereunder to restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages or on-premises consumption; provided, however, that in order for a restaurant or sidewalk café to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units. Under no circumstances may music and/or live entertainment be provided in an outdoor dining area.

Section 6. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.